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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,674	08/29/2003	Gerald W.E. Van Decker	PAT 936-2	8370
26123	7590	10/04/2005		
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			EXAMINER RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,674	Applicant(s) VAN DECKER, GERALD W.E.	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/29/03 (application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08292003, 03152005</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-13, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warren in view of Della Cave.

The patent to Warren discloses a "liquid (because the disclosure only refers to "fluid" which is the genus of liquid and gas, the disclosure is considered to be inclusive of all fluids including liquid and/or gas) supply system for supplying liquid to a plurality of...(uses), the system comprising: an inflow stage (at inlet conduit 10 or 50) including at least one inflow pipe, the inflow stage having an inflow stage cross-sectional area; and an outflow stage (at outlets 12, 14, 16, 18, 20 of fig. 1 or 52, 54, 56, 58, 60 of fig. 2) in communication with the inflow stage, the outflow stage including a plurality of outflow pipes for feeding liquid to the plurality of (uses), the outflow pipes splitting liquid flow from the inflow stage and having an outflow stage cross-sectional area substantially equivalent to the inflow stage cross-sectional area" as expressly disclosed at column 2, lines 37-39.

Thus the patent to Warren discloses all the claimed features with the exception of having utility in a "non pressurized" system feeding "treatment units".

The patent to Della Cave discloses that it is known in the art to employ a flow divider at 70 in the drain pipe of a non pressurized drain system feeding "treatment units" at gray water tank 73, 74 and to the main treatment facility via street conduit 80 for the purpose of collecting non pressurized fluids from the generating locations and conducting such non pressurized fluids to treatment facilities for disposal and/or further use.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the divider of Warren as a flow divider in a sewerage drain system of a domestic building for the purpose of collecting non pressurized fluids from the generating locations and conducting such non pressurized fluids to treatment facilities for disposal and/or further use as recognized by Della Cave.

Regarding claims 2-7 and 10, 13, 15 and 16, the recitations therein are considered readily apparent in Warren.

Regarding claims 11 and 12 Della Cave discloses the "system" to be "drainwater system" (claim 11) feeding "treatment units" read at graywater tank 73, 74 and the main treatment facility fed by street conduit 80.

Regarding claim 20, the method steps recited therein are believed those practiced when making and/or using the device envisioned by the combination of Warren and Della Cave.

Claim 1 is further, and claims 8, 9, 12 14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warren in view of Zimmer.

The patent to Zimmer discloses a "liquid supply system for supplying liquid to a plurality of...(uses), the system comprising: an inflow stage (at inlet conduit 140, area K1) including at least one inflow pipe, the inflow stage having an inflow stage cross-sectional area; and an outflow stage (at 14, outlet conduits K2a, K2b) in communication with the inflow stage, the outflow stage including a plurality of outflow pipes for feeding liquid to the plurality of (uses at 3), the outflow pipes splitting liquid flow from the inflow stage and having an outflow stage cross-sectional area substantially equivalent to the inflow stage cross-sectional area" as expressly disclosed at column 5, line 4 through column 6, line 28.

Thus the patent to Zimmer discloses all the claimed features with the exception of having utility in a "non pressurized" system feeding "treatment units".

The patent to Della Cave discloses that it is known in the art to employ a flow divider at 70 in the drain pipe of a non pressurized drain system feeding "treatment units" at gray water tank 73, 74 and to the main treatment facility via street conduit 80 for the purpose of collecting non pressurized fluids from the generating locations and conducting such non pressurized fluids to treatment facilities for disposal and/or further use.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the divider of Zimmer as a flow divider in a sewerage drain system of a domestic building for the purpose of collecting non pressurized fluids from the generating locations and conducting such non pressurized fluids to treatment facilities for disposal and/or further use as recognized by Della Cave.

Regarding claims 8, 9, 17, 18 and 19, Zimmer clearly discloses the intermediate stages of equal areas as recited.

Regarding claim 12, the inlet leading to reference points K2a, K2b is clearly "angled to facilitate fluid flow" as recited.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.